IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

MAIL STOP PATENT APPLICATION

Full Name

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

(a)

Customer No. 2 1 8 3 9

Sir:

This is a request for filing a [X] continuation [] divisional application under 37 C.F.R. § 1.53(b) of pending Application No. <u>09/540,050</u> filed on <u>March 31, 2000</u>, for <u>D AND L ETHERLIPID STEREOISOMERS AND LIPOSOMES</u>, in turn a Continuation-In-Part of Application No. <u>09/390,395</u>, filed on <u>September 3, 1999</u>, in turn a continuation of Application No. <u>09/017,440</u>, filed <u>February 2, 1998</u>, now U.S. Patent No. 5,965,159, and in turn a Continuation-In-Part of Application No. <u>08/602,669</u>, filed on <u>February 16, 1996</u>, now U.S. Patent No. 5,762,958, by the following named inventors:

Imran AHMAD



	(b)	Full Name	Eric MAYHEW				
	(c)	Full Name	Andrew JANOFF				
[]	Applicants hereby request that the above-captioned application NOT BE PUBLISHED under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.						
[X]	The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.						
[]	This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to <u>delete the name(s)</u> of <u>the following person or persons</u> who are not inventors of the invention being claimed in this application.						
	(a)	Full Name					
	(b)	Full Name	,				
	(c)	Full Name					
[]	In accord	dance with 37 sioner is reque	ng filed by more than all the inventors named in the prior application. C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the ested to add the name(s) of the following person or persons who are ion being claimed in this application.				
	(a)	Full Name					
	(b)	Full Name					
	(c)	Full Name					

-] Applicants suggest Figure _ for inclusion on the front page of the patent application publication and/or patent.
- [X] Applicants request that the published application include the following assignment information: <u>ELAN PHARMACEUTICALS, INC.</u>.
- Enclosed is a copy of the prior Application No. <u>09/540,050</u> as originally filed on <u>March 31, 2000</u>, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
- 2. [] Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
- 3. [] Small entity status is hereby claimed.
- 4. [X] The filing fee is calculated below [] and in accordance with the enclosed preliminary amendment:

		CL	AIMS			
	No. OF CLAIMS		EXTRA CLAIMS	RATE		FEE
Basic Application Fee	\$750.00 (1001)					
Total Claims	22	MINUS 20 =	2	× \$18.00 (1202) =	\$	36.00
Independent Claims	1	MINUS 3 =	0	× \$84.00 (1201) =	\$	0.00
If multiple dependent claims are presented, add \$280.00 (1203)						
Total Application Fee					\$	0.00
If small entity status is claimed, subtract 50% of Total Application Fee						<u> </u>
Add Assignment Recording Fee of \$_ if Assignment document is enclosed						
TOTAL APPLICATION FEE DUE						\$786.00

_	r 1	Parts of Applic	ation is respect	tfully req			1000 0						
5.	[]	This application	n is being filed	without	a filing i	fee.	Issuance	e of a	Notic	e to	File	Missing	,

- 6. [] Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
- 7. [X] A check in the amount of \$ 786.00 is enclosed for the fee due.
- 8. [X] The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
- 9. [] Cancel in this application original claims _ of the prior application before calculating the filing fee.
- 10. [] New drawings are enclosed.

11. []	Priority of Application No filed on _ in _ (country) is claimed under 35 U.S.C. § 119.					
	[] The certified copy of the priority application					
	[] is enclosed.					
	[] was filed on _ in prior Application No, filed on _, and acknowledged by the Examiner on _ in Paper No					
	[] has not yet been filed.					
12. [X]	Please amend the specification by inserting before the first line the sentence:					
	[X]This application is a [X] continuation [] divisional of Application No. 09/540,050, filed on March 31, 2000, in turn a Continuation-In-Part of Application No. 09/390,395, filed on September 3, 1999, in turn a continuation of Application No. 09/017,440, filed February 2, 1998, now U.S Patent No. 5,965,159, in turn a Continuation-In-Part of Application No. 08/602,669, filed on February 16, 1996, now U.S. Patent No. 5,762,958					
	[]This application is a [] continuation [] divisional of U.S. Application No, filed on _, which was a national stage filing under 35 U.S.C. § 371 of International Application No filed on					
	[]This application is a [] continuation [] divisional of U.S. Application No, filed on _, which was a continuation of International Application No, filed on					
13. []	A preliminary amendment is enclosed.					
14. [X]	An Information Disclosure Statement is enclosed.					
15. []	A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.					
16. []	Also enclosed					
17. [X]	 The power of attorney in the prior application is to <u>Teresa Stanek Rea, Reg. No. 30,427</u>. a. [] The power appears in the original papers in the prior application. b. [X] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed. c. [X] Recognize as Associate Attorney <u>Deborah H. Yellin, Reg. No. 45,904</u>. 					

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Request for Filing Continuation/Divisional Application

of Application No. <u>09/540,050</u> Attorney's Docket No. <u>033388-566</u>

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d. [X] Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

N.

applicant, or attorney or age	ent of record.)
BURNS, DOANE, SWECKER of Customer Number: 2 1 8 3 P.O. Box 1404 Alexandria, Virginia 22313	39
Date: August 26, 2003 By:	Teresa Stanek Rea Registration No. 30,427
ADDRESS OF SIGNATOR:	
BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, Virginia 22313-1404 (703) 836-6620	 [] inventor(s) [] assignee of complete interest [X] attorney or agent of record [] filed under 37 C.F.R. § 1.34(a)